

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	22/01/2020
Planning Development Manager authorisation:	TF	22/01/2020
Admin checks / despatch completed	SOS	22/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SNE	22/01/2020

Application: 19/01811/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mr and Mrs J Proctor

Address: 47 Kings Parade Holland On Sea Clacton On Sea

Development: Proposed alterations and extensions to form new glazed balcony. (Amendment to scheme approved under planning permission 19/01010/FUL).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

19/01010/FUL	Proposed alterations and extensions to form new glazed balcony.	Approved	28.08.2019
19/01811/FUL	Proposed alterations and extensions to form new glazed balcony. (Amendment to scheme approved under planning permission 19/01010/FUL).	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the north of Kings Parade, inside the development boundary of Holland on Sea. It serves a detached two storey dwelling constructed of red brick with a tile roof. It has a front gable with render and decorative boarding and an existing Juliet balcony across a dormer serving patio doors. The ground floor bay has a monopitch roof. The front of the site is paved to allow for parking of at least 2 no. cars, with some areas of planting. The front boundary has a brick boundary wall with railings and iron gates. Fencing exists on the side boundary to the west, whilst a low level brick wall and railings divides the application site with the neighbour to the east. The site is located along the seafront and benefits from sea views. At the time of the officer site visit scaffolding was erected around the dwelling.

Proposal

The application proposes an amendment to scheme approved under planning permission 19/01010/FUL. It proposes a new glazed balcony to the front elevation of the property to replace the existing Juliet balcony and serve the front dormer with patio doors. It will protrude 1.2m from the forward most front elevation, will be 4m wide and will be constructed with a galvanised steel frame and clear glass balustrading.

Application 19/01010/FUL received approval for a similar development but the balcony was 7.85m wide across the majority of the front elevation.

Representations

One letter of objection has been received from the occupier of 42 Madeira Road, Holland on Sea, which is located to the rear of the application site. They raise concerns regarding:

- Overlooking (Officer Comment: As the balcony is on the front elevation it will not be seen from No. 42 Madeira Road and will not cause any overlooking to this property.)
- Increased noise disturbance (Officer Comment: The proposed front balcony is not considered to result in a risk to increased noise that would impact on the neighbour's private residential amenity.)

Assessment

The main considerations of this application are the design, visual amenity and the impact on residential amenity.

The adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and

protects or enhances local character, and the development will not have a materially damaging impact on the privacy, daylight and other amenities of occupiers of nearby property. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies.

Design and Visual Amenity

Kings Parade, Holland on Sea consists of a variety of different house styles and designs. Some have first floor conservatories, balconies and Juliet balconies at the front of the property to provide the occupiers of the property with sea views. The inclusion of a front balcony within the application site would therefore be considered to fit acceptably with the surrounding area. Whilst the development would be publicly visible, the precedent has already been set for such development in the area, particularly with the recent approval of 19/01010/FUL at this site, which sought approval for a wider balcony across the front elevation. The reduction in the width of the balcony is considered acceptable in design terms and will result in the development having less impact on the visual amenity of area to what is already approved under 19/01010/FUL. Overall, the proposal is a modest development that blends satisfactorily with the design of the existing house. It will be constructed with appropriate materials and would not adversely affect the street scene. The balcony will not detract from the parking that is available within the site.

Impact on Residential Amenity

The proposed balcony and associated alterations would be located on the front elevation of the property and would not cause any issue of overlooking into any neighbouring property's private amenity space. The development would not adversely impact on neighbouring amenities and the development is considered acceptable in this regard.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above, and in the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. TDC-0719-1-01 Revision B.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO